

**TERMS OF REFERENCE FOR A
WATER QUALITY STANDARDS ADVISORY COMMITTEE
TO CONTINUE RULE DEVELOPMENT
FOR WATER QUALITY STANDARDS IN NEW HAMPSHIRE**

**New Hampshire Department of Environmental Services
(July, 2000)**

(minor revisions December 2007)

(additional revisions January & March 2009)

(minor revisions September 2009)

BACKGROUND

The Department of Environmental Services (DES) adopted revised Water Quality Standards (Env-Ws 1700) on December 10, 1999. During public comment for the rulemaking, it became apparent that work on the rules should continue, and further definition by DES of the science and policy behind the rules is needed. Consequently, DES proposes a structured process that will facilitate public input and discussion on focused issues, and solicit advice from interested, qualified persons. This will result in DES proposals for future changes to the standards that are better informed by stakeholder input. This process would be expected to continue, with discussion on different issues, indefinitely.

THE PROCESS

The steps in this structured process include:

- 1) DES convenes a Water Quality Standards Advisory Committee to assist the agency in formulating and drafting revised rules, as well as guidance to facilitate uniform interpretation and application of rules and statutes, where needed.
- 2) The membership list for the advisory committee is:

NH Water Pollution Control Association
Business and Industry Association
NH Municipal Association
NH Association of Conservation Commissions
Conservation Law Foundation
NH Rivers Council
NH Wildlife Federation
NH Lakes Association
NH Association of Conservation Districts
NH Farm Bureau Federation
Office of State Planning
Water Council (added January 2008)
EPA Region I

US Fish & Wildlife Service
NH Fish & Game Department
Lakes Management Advisory Committee (added December 2007)
Rivers Management Advisory Committee (added December 2007)
Home Builders and Remodelers Association of NH (added January 2009)
US Geological Survey (added January 2008)

- 3) DES provides logistical support to the Committee, to include meeting arrangements, agendas, and minutes, drafting and editing working documents, and so on.
- 4) The Committee and DES staff jointly identify topic areas, and DES writes a A strawman position paper for a topic area, which after a round of comment and editing by the Committee, becomes the basis for discussion and activity, either by the whole committee or by a working group. The result is a final position paper that identifies issues and contains DES' proposal for draft rule language or guidance to implement the issue.. These would be made available to the public and posted on the internet, together with meeting minutes and agendas and written comments from committee members (and other stakeholders who participate).
- 5) Consensus would be reached where possible. Where consensus is not attained on the substance of issues, discussions and position paper revisions would provide guidance to inform DES in it's tasks. Where consensus exists, DES will adopt the recommendations of the committee unless significant rationale is presented to the committee. Where consensus doesn't exist, DES will explain its decisions in light of the discussions of the committee. The goal of the WQSAC process is that DES' proposed action is clear, all points of view and recommendations of committee members have been adequately aired and incorporated into the record and the final action reflects the issues and concerns of the WQSAC as closely as possible.
- 6) Working groups can be formed as the need arises, and may have membership outside the Committee, by invitation. Persons with technical expertise or representing advocacy organizations interested in the topic should be invited. Working group meetings are open to the public, but there will not be public input unless the working group asks for it explicitly in a specific area. Working groups for a particular topic would exist until position papers and draft rule language or guidance on the topic are completed and reported to WQSAC, and then would cease to exist.
- 7) DES and the Committee would decide on ways to involve the public and to receive comment on proposals after they are developed by DES and the Committee.
- 8) The committee process is iterative in that new topics and working groups can be added as the need arises, and old working groups will disband when a position paper is completed.